

1-1 By: Hegar S.B. No. 1906
1-2 (In the Senate - Filed April 19, 2013; April 22, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 3, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 3, 2013, sent to printer.)

1-7 COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Hinojosa	X			
1-10	Nichols	X			
1-11	Garcia			X	
1-12	Paxton	X			
1-13	Taylor	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1906 By: Nichols

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of Fort Bend County Municipal Management
1-18 District No. 1; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, or taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-23 Code, is amended by adding Chapter 3927 to read as follows:

1-24 CHAPTER 3927. FORT BEND COUNTY MUNICIPAL MANAGEMENT DISTRICT

1-25 NO. 1

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 3927.001. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "City" means the City of Houston.

1-30 (3) "County" means Fort Bend County.

1-31 (4) "Director" means a board member.

1-32 (5) "District" means the Fort Bend County Municipal

1-33 Management District No. 1.

1-34 Sec. 3927.002. NATURE OF DISTRICT. The Fort Bend County
1-35 Municipal Management District No. 1 is a special district created
1-36 under Sections 52 and 52-a, Article III, and Section 59, Article
1-37 XVI, Texas Constitution.

1-38 Sec. 3927.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-39 creation of the district is essential to accomplish the purposes of
1-40 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-41 Texas Constitution, and other public purposes stated in this
1-42 chapter.

1-43 (b) The creation of the district is necessary to promote,
1-44 develop, encourage, and maintain employment, commerce,
1-45 transportation, housing, tourism, recreation, the arts,
1-46 entertainment, economic development, safety, and the public
1-47 welfare in the district.

1-48 (c) This chapter and the creation of the district may not be
1-49 interpreted to relieve the city or the county from providing the
1-50 level of services provided as of the effective date of the Act
1-51 enacting this chapter to the area in the district. The district is
1-52 created to supplement and not to supplant city or county services
1-53 provided in the district.

1-54 Sec. 3927.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-55 (a) The district is created to serve a public use and benefit.

1-56 (b) All land and other property included in the district
1-57 will benefit from the improvements and services to be provided by
1-58 the district under powers conferred by Sections 52 and 52-a,
1-59 Article III, and Section 59, Article XVI, Texas Constitution, and
1-60 other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3927.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on bonds;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3927.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code; or

(4) an industrial district created under Chapter 42, Local Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code, including the right to pledge the money as security for any bonds issued by the district for an improvement project.

Sec. 3927.007. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3927.051. GOVERNING BODY; TERMS. The district is governed by a board of five elected directors who serve staggered terms of four years, with two or three directors' terms expiring

each even-numbered year.

Sec. 3927.052. ELECTION DATE. The board shall hold an election for directors on the uniform election date in May in even-numbered years.

Sec. 3927.053. ELIGIBILITY. To be qualified to serve as a director, a person must meet the qualifications prescribed by Section 375.063, Local Government Code.

Sec. 3927.054. INITIAL VOTING DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as initial voting directors the five persons named in the petition. The commission shall appoint the five persons named in the petition as initial directors by position.

(b) The initial directors appointed under Subsection (a) shall draw lots to determine which two directors shall serve until the first regularly scheduled election under Section 3927.052 and which three directors shall serve until the second regularly scheduled election under Section 3927.052.

(c) Section 3927.051 does not apply to this section.

(d) This section expires September 1, 2017.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3927.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3927.102. MUNICIPAL MANAGEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapter 375, Local Government Code, applicable to municipal management districts created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3927.103. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3927.104. UTILITY AND RECREATIONAL FACILITIES AND SERVICES AND ROADS PROHIBITED WITHOUT AGREEMENT. The district may not provide water, wastewater, or recreational facilities or services or roads to any land within both the district and a municipal utility district unless the district and the municipal utility district enter into a written agreement specifying the facilities and services to be provided by the district.

Sec. 3927.105. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3927.106. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3927.107. LIMITED EMINENT DOMAIN. The district may

exercise the power of eminent domain only for the purposes, only to the extent, and subject to the limitations the general law provides for a municipal utility district under Chapter 49, Water Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3927.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3927.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3927.153. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3927.154. METHOD OF NOTICE OF HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of mailing notice.

Sec. 3927.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3927.156. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3927.201. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3927.203.

(b) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) Section 375.243, Local Government Code, does not apply to the district.

(d) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 3927.202. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election held in accordance with Section 3927.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for operation and maintenance purposes, including to:

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 3927.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Sec. 3927.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

Sec. 3927.205. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3927.206. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Fort Bend County Municipal Management District No. 1 initially includes all territory contained in the following area:

TRACT I: 168.478 ACRES

Being a tract containing 168.478 acres of land located in the Jane Wilkins One League Grant, Abstract No. 96, Fort Bend County, Texas. Said 168.478 acres being that certain call 101.79 acre (Tract Two) tract of land recorded in the name of the State of Texas, for the use and benefit of the Permanent School Fund, under Fort Bend County Clerk's File (F.B.C.C.F.) No. 2004060103 and amended under 2004075320, and that certain call 66.691 acre (Part Two) tract of land recorded in the name of the State of Texas, for the use and benefit of the Permanent School Fund, under F.B.C.C.F. No. 2003023371 and corrected under 2008070584. Said 168.478 acres of land being more particularly described by metes and bounds as follows (Bearings are referenced to the aforementioned 101.79 acres):

BEGINNING at the Northeast corner of said 101.79 acres, same being a point at the South line of said 66.691 acres, and said point being at the Westerly line of a call 97.179 acre (Parcel 9) tract of land for controlled access highway facility (Grand Parkway) recorded in the name of Texas Transportation Commission under F.B.C.C.F. No. 9203043;

THENCE, with said Westerly line, South 20 degrees 38 minutes 03 seconds East, a distance of 2201.52 feet to the Southeast corner of said 101.79 acres;

THENCE, departing said Westerly line and with the South line of said 101.79 acres, South 88 degrees 18 minutes 31 seconds West, a distance of 2,386.45 feet to the Southwest corner of said 101.79

6-1 acres, and said point being at the East line of a call 32.7 acre
6-2 tract of land (Harlem Road, based on a width of 60 feet), recorded
6-3 in the name of County of Fort Bend, Texas, in Volume 63, Page 203, of
6-4 the Deed Records of Fort Bend County, Texas (F.B.C.D.R.);
6-5 THENCE, with the East right-of-way line of said Harlem Road, North
6-6 00 degrees 00 minutes 38 seconds East, a distance of 2,412.99 feet
6-7 to the Northwest corner of said 101.79 acres;
6-8 THENCE, with the North line of said 101.79 acres, North 89 degrees
6-9 33 minutes 29 seconds East, a distance of 51.70 feet to the
6-10 Southwest corner of said 66.691 acres, and said point being at the
6-11 call East line of Harlem Road, based on a width of 71.5 feet;
6-12 THENCE, with the West line of said 66.691 acres (Part Two) and the
6-13 East line of said Harlem Road (71.5 feet width), North 00 degrees 23
6-14 minutes 59 seconds West, a distance of 3,160.51 feet;
6-15 THENCE, with the North line of said 66.691 acres, North 68 degrees
6-16 10 minutes 15 seconds East, a distance of 80.54 feet to the
6-17 Southwesterly right-of-way line of the Grand Parkway;
6-18 THENCE, with said Southwesterly right-of-way line, the following
6-19 three (3) courses:
6-20 1. 996.68 feet, with the arc of a non-tangent curve to the
6-21 right having a radius of 2,664.79 feet and a central angle of 21
6-22 degrees 25 minutes 47 seconds, the chord of which curve bears South
6-23 31 degrees 19 minutes 27 seconds East, a distance of 990.88 feet;
6-24 2. South 20 degrees 44 minutes 11 seconds East, a distance
6-25 of 2,809.53 feet to the Southeast corner of said 66.691 acres (Part
6-26 Two);
6-27 3. North 79 degrees 42 minutes 34 seconds West, a distance
6-28 of 5.26 feet to the POINT OF BEGINNING and containing 168.478 acres
6-29 of land, more or less.
6-30 TRACT II: 883.195
6-31 Being a tract containing 883.195 acres of land located in the
6-32 William Morton One and One-Half League Grant, Abstract No. 62, Fort
6-33 Bend County, Texas. Said 883.195 acres being that certain call
6-34 723.13 acre (Tract One) tract of land recorded in the name of the
6-35 State of Texas, for the use and benefit of the Permanent School
6-36 Fund, under Fort Bend County Clerk's File (F.B.C.C.F.) No.
6-37 2004060103 and amended under 2004075320, LESS AND EXCEPT Fort Bend
6-38 I.S.D. Middle School No. 14, a subdivision of 39.675 acres of land,
6-39 according to the map or plat thereof recorded in Plat Number
6-40 20100028 of the Plat Records of Fort Bend County, Texas
6-41 (F.B.C.P.R.); and that certain call 274.505 acre (Part Three) tract
6-42 of land recorded in the name of the State of Texas, for the use and
6-43 benefit of the Permanent School Fund, under F.B.C.C.F. No.
6-44 2003023371 and corrected under 2008070584, LESS AND EXCEPT Fort
6-45 Bend Independent School District High School No. 10, a subdivision
6-46 of 72.598 acres of land, according to the map or plat thereof
6-47 recorded in Plat Record 20040219 of the F.B.C.P.R. Said 883.195
6-48 acres of land being more particularly described by metes and bounds
6-49 as follows (Bearings are referenced to the aforementioned 723.13
6-50 acres):
6-51 BEGINNING at the Northwest corner of said 274.505 acres on the South
6-52 right-of-way line of Grand Parkway (width varies);
6-53 THENCE, with the said South right-of-way line and North line of said
6-54 274.05 acres, the following three (3) courses:
6-55 1. South 83 degrees 50 minutes 18 seconds East, a distance
6-56 of 1,730.90 feet;
6-57 2. South 76 degrees 27 minutes 32 seconds East, a distance
6-58 of 659.36 feet;
6-59 3. 1,275.27 feet, with the arc of a non-tangent curve to the
6-60 right having a radius of 2,664.79 feet and a central angle of 27
6-61 degrees 25 minutes 11 seconds, the chord of which curve bears South
6-62 60 degrees 46 minutes 14 seconds East, a distance of 1,263.14 feet
6-63 to the West line of a call 32.7 acre tract of land (Harlem Road,
6-64 based on a width of 60 feet), recorded in the name of County of Fort
6-65 Bend, Texas, in Volume 63, Page 203, of the Deed Records of Fort
6-66 Bend County, Texas (F.B.C.D.R.);
6-67 THENCE, with said West line, South 00 degrees 00 minutes 38 seconds
6-68 West, a distance of 730.72 feet to the most Easterly Northeast
6-69 corner of said Fort Bend Independent School District High School

7-1 No. 10;
 7-2 THENCE, with the North and West lines of said Fort Bend Independent
 7-3 School District High School No. 10, the following six (6) courses:
 7-4 1. 603.53 feet, with the arc of a non-tangent curve to the
 7-5 left having a radius of 515.00 feet and a central angle of 67
 7-6 degrees 08 minutes 42 seconds, the chord of which curve bears North
 7-7 33 degrees 33 minutes 43 seconds West, a distance of 569.58 feet;
 7-8 2. North 67 degrees 08 minutes 04 seconds West, a distance
 7-9 of 117.87 feet;
 7-10 3. South 67 degrees 51 minutes 56 seconds West, a distance
 7-11 of 35.36 feet;
 7-12 4. South 22 degrees 51 minutes 56 seconds West, a distance
 7-13 of 1,473.77 feet;
 7-14 5. 874.48 feet, with the arc of tangent curve to the left
 7-15 having a radius of 3,125.00 feet and a central angle of 16 degrees
 7-16 02 minutes 00 seconds, the chord of which curve bears South 14
 7-17 degrees 50 minutes 56 seconds West, a distance of 871.63 feet to a
 7-18 point for tangency;
 7-19 6. South 06 degrees 49 minutes 56 seconds West, a distance
 7-20 of 950.82 feet to the Southwest corner of said Fort Bend Independent
 7-21 School District High School No. 10, same being the North line of
 7-22 said 723.13 acres;
 7-23 THENCE, with the said North line, North 89 degrees 33 minutes 29
 7-24 seconds East, a distance of 1,364.95 feet to the Southeast corner of
 7-25 said Fort Bend Independent School District High School No. 10 and
 7-26 the Northeast corner of said 723.13 acres, and said point being at
 7-27 the West line of said 32.7 acres (Harlem Road, based on a width of 60
 7-28 feet);
 7-29 THENCE, with said West line, South 00 degrees 00 minutes 38 seconds
 7-30 West, a distance of 2,414.30 feet;
 7-31 THENCE, departing said West line and with a residual tract of that
 7-32 certain call 5,656.65 acres recorded in the name of Harlem State
 7-33 Farm in Volume 152, Page 423, F.B.C.D.R., the following nine (9)
 7-34 courses:
 7-35 1. South 48 degrees 44 minutes 07 seconds West, a distance
 7-36 of 871.11 feet;
 7-37 2. North 83 degrees 16 minutes 57 seconds West, a distance
 7-38 of 2,068.09 feet;
 7-39 3. South 08 degrees 26 minutes 06 seconds West, a distance
 7-40 of 1,378.80 feet;
 7-41 4. South 88 degrees 03 minutes 39 seconds East, a distance
 7-42 of 941.67 feet;
 7-43 5. South 00 degrees 52 minutes 35 seconds East, a distance
 7-44 of 1,653.74 feet;
 7-45 6. South 88 degrees 40 minutes 44 seconds East, a distance
 7-46 of 567.92 feet;
 7-47 7. South 04 degrees 39 minutes 19 seconds West, a distance
 7-48 of 773.80 feet;
 7-49 8. South 86 degrees 41 minutes 04 seconds East, a distance
 7-50 of 743.55 feet;
 7-51 9. North 85 degrees 13 minutes 22 seconds East, a distance
 7-52 of 698.90 feet to the West line of said 32.7 acres (Harlem Road,
 7-53 based on a width of 60 feet);
 7-54 THENCE, with said West line, South 00 degrees 00 minutes 38 seconds
 7-55 West, a distance of 919.35 feet to the Northeast corner of said Fort
 7-56 Bend I.S.D. Middle School No. 14;
 7-57 THENCE, departing said West line and with the North line of said
 7-58 Fort Bend I.S.D. Middle School No. 14, South 89 degrees 41 minutes
 7-59 08 seconds West, a distance of 2,244.78 feet to the Northwest corner
 7-60 of said Fort Bend I.S.D. Middle School No. 14;
 7-61 THENCE, with the meandering West line of said Fort Bend I.S.D.
 7-62 Middle School No. 14, the following twelve (12) courses:
 7-63 1. South 46 degrees 22 minutes 05 seconds East, a distance
 7-64 of 228.92 feet;
 7-65 2. South 43 degrees 22 minutes 43 seconds East, a distance
 7-66 of 88.42 feet;
 7-67 3. South 40 degrees 33 minutes 56 seconds East, a distance
 7-68 of 79.87 feet;
 7-69 4. South 40 degrees 44 minutes 21 seconds East, a distance

8-1 of 105.05 feet;
 8-2 5. South 42 degrees 39 minutes 34 seconds East, a distance
 8-3 of 49.64 feet;
 8-4 6. South 26 degrees 31 minutes 55 seconds East, a distance
 8-5 of 54.38 feet;
 8-6 7. South 17 degrees 07 minutes 29 seconds East, a distance
 8-7 of 79.10 feet;
 8-8 8. South 36 degrees 53 minutes 58 seconds East, a distance
 8-9 of 120.77 feet;
 8-10 9. South 37 degrees 41 minutes 44 seconds East, a distance
 8-11 of 99.95 feet;
 8-12 10. South 38 degrees 43 minutes 14 seconds East, a distance
 8-13 of 114.55 feet;
 8-14 11. South 36 degrees 00 minutes 18 seconds East, a distance
 8-15 of 89.56 feet;
 8-16 12. South 32 degrees 17 minutes 53 seconds East, a distance
 8-17 of 81.98 feet to the North right-of-way line of Plantation Drive
 8-18 (based on a width of 60 feet) as recorded in Volume 1848, Page 795,
 8-19 F.B.C.P.R., same being the South line of said 723.13 acres;
 8-20 THENCE, with said North right-of-way line and said South line,
 8-21 South 89 degrees 41 minutes 08 seconds West, a distance of 344.96
 8-22 feet to the East line of Replat of Pecan Grove Plantation, Section
 8-23 Five (5), according to the map or plat thereof recorded in Slide
 8-24 685A and 685B, F.B.C.P.R.;
 8-25 THENCE, with the said East line, North 00 degrees 04 minutes 33
 8-26 seconds West, a distance of 180.02 feet to the Northeast corner of
 8-27 said Section 5;
 8-28 THENCE, with the North line of said Section 5, South 89 degrees 39
 8-29 minutes 00 seconds West, a distance of 1,695.40 feet to the most
 8-30 Easterly Southeast corner of Pecan Grove Plantation, Section Eight
 8-31 (8), according to the map or plat thereof recorded in Slide 643A and
 8-32 643B, F.B.C.P.R.;
 8-33 THENCE, with the East line of said Section 8 and Pecan Grove
 8-34 Plantation, Section Sixteen (16), according to the map or plat
 8-35 thereof recorded in Slide 1096B, F.B.C.P.R., and Pecan Grove
 8-36 Plantation, Section Twenty-Two (22), according to the map or plat
 8-37 thereof recorded in Slide 1247B, F.B.C.P.R., North 00 degrees 06
 8-38 minutes 21 seconds East, a distance of 2,983.38 feet to the
 8-39 Northeast corner of said Section 22;
 8-40 THENCE, with the North line of said Section 22 and Pecan Grove
 8-41 Plantation, Section Twelve (12), according to the map or plat
 8-42 thereof recorded in Slide 1051A and 1051B, F.B.C.P.R., North 89
 8-43 degrees 56 minutes 14 seconds West, a distance of 2,668.98 feet to
 8-44 the Northwest corner of said Section 12, same being a point at the
 8-45 East line of Pecan Grove Plantation, Section Nineteen (19),
 8-46 according to the map or plat thereof recorded in Slide 1052A and
 8-47 1052B, F.B.C.P.R.;
 8-48 THENCE, with the East line of said Section 19 and Grove, Section
 8-49 Eleven (11), according to the map or plat thereof recorded in Slide
 8-50 1015A and 1015B, and Grove, Section Six (6), according to the map or
 8-51 plat thereof recorded in Slide 631A and 631B, and Grove, Section
 8-52 Seven (7), according to the map or plat thereof recorded in Slide
 8-53 632A and 632B, and Grove, Section Eight (8), according to the map or
 8-54 plat thereof recorded in Slide 832A and 832B, North 00 degrees 05
 8-55 minutes 34 seconds East, a distance of 2,944.38 feet;
 8-56 THENCE, with the South line of said Grove, Section 8, South 89
 8-57 degrees 44 minutes 14 seconds East, passing the Southeast corner of
 8-58 said Grove, Section 8, and continuing for a total distance of
 8-59 2,690.34 feet;
 8-60 THENCE, with the West line of said 723.13 acres, North 00 degrees 31
 8-61 minutes 29 seconds East, a distance of 3,562.67 feet to the
 8-62 Northwest corner of said 723.13 acres;
 8-63 THENCE, with said North line, North 89 degrees 01 minutes 49 seconds
 8-64 East, a distance of 12.19 feet to the Southwest corner of said
 8-65 274.505 acres;
 8-66 THENCE, with the West line of said 274.505 acres, the following
 8-67 three (3) courses:
 8-68 1. North 00 degrees 13 minutes 57 seconds East, a distance
 8-69 of 1,303.83 feet;

2. North 00 degrees 18 minutes 44 seconds East, a distance of 1,320.37 feet;

3. North 00 degrees 31 minutes 23 seconds East, a distance of 468.68 feet to the POINT OF BEGINNING and containing 883.195 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 3927.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 3927, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 3927.107 to read as follows:

Sec. 3927.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Subsection (c), Section 17, Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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